



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*271 Cadman Plaza East-7<sup>th</sup> Floor  
Brooklyn, NY 11201*

April 1, 2015

**BY ECF**

Honorable Vera M. Scanlon  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Lorber v. U.S. Department of Treasury,*  
Civ. No. 14-CV-675 (Kuntz, J.) (Scanlon, M.J.) (E.D.N.Y.)

Dear Magistrate Judge Scanlon:

This Office represents defendant U.S. Department of Treasury in the above-referenced action. The undersigned Assistant United States Attorney apologizes to the Court and to plaintiff for a clerical oversight that resulted in the government serving its opening papers for summary judgment one day late (on February 25, 2015 instead of February 24, 2015). The undersigned Assistant United States Attorney respectfully asks the Court to forgive this clerical oversight and modify nunc pro tunc the briefing schedule set in the Court's February 18, 2015 Order ("Scheduling Order") (granting schedule set forth at Docket Entry No. 28).

Plaintiff's recently served opposition papers ask that defendant's cross-motion for summary judgment be dismissed on the grounds that defendant served its motion one-day later than the deadline set in the Scheduling Order. Notably, plaintiff's opposition papers do not claim that plaintiff was prejudiced by the one-day delay in receiving defendant's opening motion papers; in fact, to the contrary, plaintiff served his opposition papers a few days in advance of the deadline set in the Scheduling Order. Specifically, plaintiff's opposition papers reflect that he mailed them on March 16, 2015, four (4) days prior to the March 20, 2015 deadline. *See* Scheduling Order; Docket Entry No. 30 (plaintiff's Certificate of Service, noting mailing as of March 16, 2015). Defendant intends to adhere to the existing briefing schedule going forward, and file its forthcoming reply brief on its cross-motion in a timely manner. The undersigned again apologizes for the clerical oversight, which arose from a mix-up because the undersigned was out of the office unexpectedly for medical reasons.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

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cc: Daniel Lorber, plaintiff *pro se* (by ECF & U.S. Mail)